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DOCKET NO. P04986
CLIENT NO.: NATHIS-04986
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : DANIEL R. MEACHAM, ET AL.
U.S. Serial No. : 10/071,348
Filed : February 8, 2002
For : FREQUENCY DISCRIMINATOR USING REPLICA
COMPENSATED DELAY LINES AND METHOD OF OPERATION
Group No. : 2816
Examiner : Cassandra F. Cox

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

1. Supplemental Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(b); and
2. Postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to: MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 22, 2006.

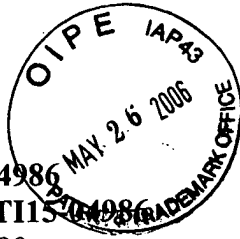
Date: May 22, 2006

Date: May 22, 2006

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William A. Munck
Reg. No. 39,308

DOCKET NO. P04986
CLIENT NO. NATI15
Customer No. 23990



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Serial No.: 10/071,348
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**SUPPLEMENTAL REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(b)**

In response to the Decision Holding Petition in Abeyance dated February 16, 2006, the Applicants respectfully request reconsideration of the Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. § 1.705(b) filed on December 20, 2005.

In support, the Applicants submit the following:

1. In the Issue Notification dated March 1, 2006, the patent term adjustment was

determined to be 261 days.

2. The Applicants believe the correct patent term adjustment should be calculated as 353 days (an increase of 92 days).
3. This patent application was filed on February 8, 2002.
4. A first Office Action was mailed on March 13, 2003.
5. The Applicants' response to the first Office Action was received by the Patent Office on July 17, 2003, resulting in a deduction of 34 days (-34 days).
6. A second Office Action was mailed on October 9, 2003.
7. The Applicants' response to the second Office Action was received by the Patent Office on January 13, 2004, resulting in a deduction of 4 days (-4 days).
8. A third Office Action was mailed on April 26, 2004.
9. The Applicants' response to the third Office Action was received by the Patent Office on July 30, 2004, resulting in a deduction of 4 days (-4 days).
10. A fourth Office Action was mailed on September 22, 2004.
11. The Applicants' response to the fourth Office Action was received by the Patent Office on December 29, 2004, resulting in a deduction of 7 days (-7 days).
12. A fifth Office Action was mailed on March 23, 2005.
13. The Applicants' response to the fifth Office Action was received by the Patent Office on June 27, 2005, resulting in a deduction of 4 days (-4 days).
14. A Notice of Allowance was mailed on September 20, 2005.
15. The patent for this patent application issued as U.S. Patent No. 7,015,749 on

March 21, 2006, which is 406 days after three years from the filing date (+406 days).

16. The Applicants never filed a continued prosecution application (“CPA”) or a request for continued examination (“RCE”) in this case.

17. Based on this, the Applicants submit that the correct patent term adjustment should be calculated as 353 days (+406 days – 34 days – 4 days – 4 days – 7 days – 4 days).

18. The PAIR system shows that a deduction of 92 days (-92 days) was required due to the submission of formal drawings on December 20, 2005, which is 92 days after three months from the mailing date (March 23, 2005) of the fifth Office Action. However, the formal drawings filed on December 20, 2005 were not a supplemental response to the fifth Office Action. Also, the same formal drawings were filed on March 10, 2003. In addition, this appears to “double count” the Applicants’ delay of 4 days in responding to the fifth Office Action.

19. If the Applicants’ calculation is incorrect and the Applicants are entitled to a patent term adjustment greater than 353 days, the Applicants respectfully request that the Patent Office determine and issue the proper patent term adjustment entitled to the Applicants.

Therefore, the Applicants respectfully request that the Patent Office reconsider the determination of patent term adjustment.

SUMMARY

If any issues arise, the Applicants respectfully invite the Patent Office to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

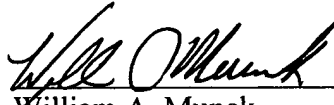
No additional fee is required for this Supplemental Petition. The Commissioner is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date:

May 22, 2006



William A. Munck

Registration No. 39,308

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William C. Munck
Docket Clerk
P.O. Drawer 800889
Dallas, Texas

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FEB 16 2006

OFFICE OF PETITIONS

In re Application of
Meacham et al.
Application No. 10/071,348
Filed: February 8, 2002
Attorney Docket No. NATI15-04986

:
:
: DECISION HOLDING PETITION IN
: ABEYANCE
:
:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed December 20, 2005. Applicants request that the patent issuing from the above-identified patent application be afforded a patent term adjustment of three hundred and sixty-seven (367) days. The sole basis for this request is the Office taking in excess of three years to issue the patent.

The instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b).

Patentees are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Patentee may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Petitioner is reminded that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining

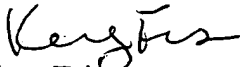
whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

The office also notes that at the time of the mailing of allowance, the amount of PTA is zero (0) days with zero days of administrative delay and fifty-three (53) days of applicant delay for four responses of more than three months. See 37 CFR 1.704(b). Accordingly, the Office delay after the mail date of the notice of allowance must be at least 53 days more than applicant delay to receive PTA at the time of the issuance of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. Any Office delays in issuance of the patent more than four months past the payment of the issue fee and more than three years after the filing date will be provided for in the issuance notification letter mailed prior to the issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, at (571) 272-7757.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Pair calculation



Day : Wednesday

Date: 2/15/2006

Time: 15:28:14

PTA Calculations for Application: 10/071348

Application Filing Date:	02/08/2002	PTO Delay (PTO):	0
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	53
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
38	09/20/2005	MAIL NOTICE OF ALLOWANCE			
37	09/19/2005	ISSUE REVISION COMPLETED			
36	09/19/2005	CASE DOCKETED TO EXAMINER IN GAU			
35	09/19/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
34	09/19/2005	NOTICE OF ALLOWABILITY			
33	07/12/2005	DATE FORWARDED TO EXAMINER			
32	06/27/2005	RESPONSE AFTER NON-FINAL ACTION		4	31
31	03/23/2005	MAIL NON-FINAL REJECTION			
30	03/21/2005	NON-FINAL REJECTION			
29	01/18/2005	DATE FORWARDED TO EXAMINER			
28	12/29/2004	RESPONSE AFTER NON-FINAL ACTION		7	26
27	12/29/2004	WORKFLOW INCOMING AMENDMENT IFW			
26	09/22/2004	MAIL NON-FINAL REJECTION			
25	09/20/2004	NON-FINAL REJECTION			
24	08/13/2004	DATE FORWARDED TO EXAMINER			
23	07/30/2004	RESPONSE AFTER NON-FINAL ACTION		4	21
22	07/30/2004	WORKFLOW INCOMING AMENDMENT IFW			
21	04/26/2004	MAIL NON-FINAL REJECTION			
20	04/19/2004	NON-FINAL REJECTION			
19	02/05/2004	IFW AMENDED CASE PROCESSING COMPLETE			
18	02/05/2004	DATE FORWARDED TO EXAMINER			
17	01/13/2004	RESPONSE AFTER NON-FINAL ACTION		4	16
16	10/09/2003	MAIL NON-FINAL REJECTION			
15	10/01/2003	NON-FINAL REJECTION			
14	07/31/2003	DATE FORWARDED TO EXAMINER			

13	07/17/2003	RESPONSE AFTER NON-FINAL ACTION		34	10
12	07/17/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
11	03/17/2003	NEW OR ADDITIONAL DRAWING FILED			
10	03/13/2003	MAIL NON-FINAL REJECTION			
9	03/10/2003	NON-FINAL REJECTION			
8	02/11/2003	CASE DOCKETED TO EXAMINER IN GAU			
7	02/06/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	04/17/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	03/07/2002	APPLICATION DISPATCHED FROM OIPE			
4	03/06/2002	APPLICATION IS NOW COMPLETE			
2	02/21/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/08/2002	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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